IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2080 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VIMLABEN AMBALAL PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR RAMNANDAN SINGH for Petitioner
MR JS YADAV, Addl. Central Govt. Counsel
for Respondent No. 1.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 18/04/2001

ORAL JUDGEMENT

Rule. Mr. J. S. Yadav, Addl. Central Govt.

Standing Counsel appears on behalf of the respondent and he waives service of rule on behalf of the respondent.

2. This petition has been filed for a direction to the respondent authority to correct the date of birth of the petitioner as 4-3-1936 in place of 4-3-1930, in the passport No.A.7305814.

3. The petitioner has already moved an application dated 9-4-2001 before the authority concerned for correction of the birth date mentioned 4-3-1936 in place of 4-3-1930, in the passport No.A.7305814. But the respondent authority has not entertained the application of the petitioner as it has no power or authority to make such correction in the birth date of the petitioner unless and until some order is passed by the Court of Law in this respect. The learned counsel for the petitioner submitted that due to bona fide mistake wrong date of birth of the petitioner as 4-3-1930 has been mentioned in the passport. The petitioner has produced birth date certificate issued by the authority concerned.

4. In the facts and circumstances of this case, this application is being disposed of by directing the authority concerned to entertain, consider and decide the application dated 4-3-2001 filed by the petitioner in accordance with law and make correction with regard to the date of birth of the petitioner as 4-3-1936 in place of 4-3-1930, in the passport No.A.7305814, if he is satisfied from of the material produced by the petitioner that wrong date of birth has been mentioned in the passport, then issue passport with correct date of birth as aforesaid, within four weeks from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

5. With the above directions and observations, this petition is disposed of. Rule is discharged. D.S. is permitted.

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/JVSatwara/